

# A New Revolution? The Recent Governmental Crisis in Romania

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As of November 2015, Romania faces its most important social, political and constitutional crisis in the last quarter-century. If the 1989 Revolution signified a break with a totalitarian communist regime, the widespread street protests of 2015, which led to the fall of the Government, gave a new message: global dissatisfaction towards the whole political class and institutions marked by serious inefficiency and corruption.

Street protests were started by an extremely unfortunate event, which took place on October 30<sup>th</sup>, 2015 – a fire in a Bucharest nightclub (“Colectiv”) caused by the gross negligence of both authorities and private owners. The accident – which caused the death of 50 persons and the serious injury of over 100 – was perceived as the result of corruption and contempt of the authorities towards public safety and fundamental rights, which were almost immediately labeled as the major plagues of Romanian society and the state. The slow reaction of the authorities (with the notable exception of the emergency and medical services) generated strong protests in the social media, followed by impressive street demonstrations in Bucharest and in the country’s major cities. The people’s fury touched the local authorities of the Bucharest district where the club was located, but also the Government, Parliament and even the Orthodox Church, whose reaction was considered insufficiently compassionate towards the victims and their families. On October 4, after three days of street protests (over 35,000 participants just in the capital city of Bucharest), the Prime Minister, Victor Ponta, and his Government resigned, as well as the mayor of the Bucharest 4<sup>th</sup> District. The latter was immediately accused of corruption and arrested after a few days.

The “Colectiv” accident came in an already troubled social and political context. In the preceding weeks, the deputy Prime Minister and minister of home affairs, Gabriel Oprea, had been under public scrutiny after a policeman who was escorting him was killed during an allegedly official mission. Oprea’s name was also related to another scandal: he allegedly plagiarized his doctoral thesis and then supervised other plagiarized theses of various politicians. After the death of the policeman, he refused to resign from office, although a criminal investigation has been opened regarding the legality of the use of the official escort.

Meanwhile, the Parliament adopted a new law allowing voting by mail, which is a long-awaited change of the electoral system that should increase participation of voters living abroad. However, a group of parliamentarians challenged the law at the Constitutional Court. As a consequence, its application for the next parliamentary elections (in December 2016) became highly unlikely, as, according to previous jurisprudence of the Constitutional Court, changes to electoral laws may only apply one year after their entry into force.

Against this troubled background, the tragic accident from “Colectiv” and its alleged “global” causes – incompetence and corruption – was the moment when the accumulated public discontent reached its peak. This ignited public indignation and led to the demise of the Government. Some voices claimed that the departure of Victor Ponta, who had lost the support of his own party, had been already decided and public protests related to the accident only accelerated the process. Nonetheless, the resignation led to an important constitutional crisis: one year before general elections, the country needed a new Government, but there was no clear political majority in Parliament to form one. Moreover, the pressure of the public protests – or of the “street” as labelled in the media – revealed that the entire political class is considered illegitimate and that the public is demanding more substantial political change.

In these circumstances, the President of Romania, Klaus Iohannis (elected in November 2014 following another ‘mini-revolution’ regarding the right to vote – see my article [here](#)) was called to nominate a candidate for the head of government’s office, according to Articles 85 and 103 of the Constitution. The fundamental law requires the President to make the nomination following consultations with the party which has obtained an absolute majority in Parliament or, if such a majority does not exist, with the parties represented in the legislative. The novel aspect of Iohannis’s approach of the crisis was that he convened representatives of the protesters or “civil

society” as well as the political parties represented in Parliament. This initiative was both praised and contested in the political and social milieu, but in the end consultations took place with representatives of political parties and of different social movements. Iohannis even asked, via a Facebook post, for protesters to send him by e-mail names of possible candidates to the Prime Minister’s office. This resulted in over 5,000 messages received. The President thus “extended” the constitutional provisions in an ad-hoc manner by introducing a more “transparent” consultation procedure for designating a head of government. Political parties supported the calling of early elections while civil society was more in favor of a non-political government, led by and composed of professionals and technocrats. New elections could only be triggered by the dissolution of Parliament, which is a complicated political process in Romania: the President can dissolve the Parliament only if it rejects two proposals of Government investiture in a 60-days interval. Therefore, President Iohannis preferred the quicker solution of nominating a non-political candidate, Mr. Dacian Ciolos (former member of the European Commission between 2009 and 2014). This appeal to professionals rather than to politicians to form the Government is not new in Romania, particularly in situations of political crisis and loss of political support. In September 1991, following the miners’ riot in Bucharest, Prime Minister Petre Roman resigned and was replaced by Theodor Stolojan, an economist who later became a politician. In December 1999, the National Bank Governor, Mr. Mugur Isarescu, was appointed as head of a “technocratic” government that functioned until the parliamentary elections of November 2000.

Thus, there are two important novel aspects to this situation, both more common in transitional rather than stable democracies: the consultation of representatives of the “street” in the process of appointing a new Government and the nomination of a non-political candidate for the office of Prime Minister. The political parties and their representatives, accused of corruption and disregard for the interests of the people, were forced to take a step back and regroup for the next set of elections in 2016. Let us hope that the warning launched by the social movements will lead to results, through at least a partial rejuvenation of the political class. Time will tell if the decisions taken were right for Romanian democracy, in a troubled economic and international context, shocked by terrorism and marked by budgetary problems and the refugee crisis.

Meanwhile, the newly-appointed Prime Minister candidate presented his list of prospective members of the cabinet. An interesting and controversial case was the proposed minister of justice, who was a person without a legal degree, coming from an NGO and with only marginal knowledge of the constitution and the laws of the country. After a long and heated hearing in the joint Legal Committee of the Parliament – when the candidate for minister of justice admitted to having read the Constitution but also affirmed that “it is not sufficient to read the Constitution in order to know it” – the appointed Prime Minister withdrew his proposal and replaced the candidate. On Tuesday, 17 November 2015, the new Government received the vote of confidence from the Parliament and took the oath before the President of Romania.

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